

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 14th December 2020 (09:30 am)

Report Title

Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) for the variation of a Premises Licence for Morrisons, Corton Wood, Brampton, Barnsley, S73 0TB.

Report Author(s)

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene
01709 254955

Report Summary

On the 23rd October 2020, an application was made for the variation of a premises licence in relation to Morrisons, Corton Wood, Brampton, Barnsley, S73 0TB.

The applicant is seeking a variation of the licence to permit the retail sale of alcohol for consumption off the premises only between the hours of 0000 and 2400 Monday to Sunday and the provision of late-night refreshment between 2300 and 0500 Monday to Sunday.

Following the submission of the application paperwork, representations were received from John Healey MP and Brampton Bierlow Parish Council.

Recommendations

1. That the Licensing Sub-Committee considers the information contained within this report (and associated appendices) along with any additional information presented at the hearing and subsequently determines the application that has been made.
2. The Licensing Sub-Committee should inform the Licensing Manager of the decision in accordance with the requirements of the Licensing Act 2003 and Regulations made thereunder.

List of Appendices Included

- Appendix 1 Location details
- Appendix 2 Application form received on 23rd October 2020
- Appendix 3 Representation received from John Healey MP
- Appendix 4 Representation received from Brampton Bierlow Parish Council

Background Papers

Rotherham MBC Statement of Licensing Policy 2020 -2025
(available at www.rotherham.gov.uk/licensing)

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)
(available at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)

Council Approval Required

No

Exempt from the Press and Public

No

Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) for the variation of a Premises Licence for Morrisons, Corton Wood, Brampton, Barnsley, S73 0TB.

1. Background

- 1.1 The application has been made by WM Morrison Supermarkets for the variation of a premises licence at Morrisons, Corton Wood, Brampton, Barnsley, S73 0TB. The applicant is seeking a variation to permit the retail sale of alcohol for consumption off the premises only between the hours of 0000 and 2400 Monday to Sunday and the provision of late-night refreshment between 2300 and 0500 Monday to Sunday. The location of the premises is shown at Appendix 1.
- 1.2 The premises currently has the benefit of a Premises Licence for the retail sale of alcohol for consumption off the premises between the hours of 0600 and 0000 Monday to Sunday. A copy of application can be found at Appendix 2.
- 1.3 There is a prescribed period of 28 days following the submission of an application during which time interested parties / responsible authorities may submit representations in relation to the application.
- 1.4 At the end of the prescribed period, two representations had been received – one from John Healey MP and the second from Brampton Bierlow Parish Council.

2. Key Issues

The application

- 2.1 The applicant is seeking authority for the following licensable activities to take place at the premises:
 - Retail sale of alcohol (for consumption off the premises only) between the hours of 0000 and 2400 Monday to Sunday
 - Provision of late-night refreshment between 2300 and 0500 Monday to Sunday.
- 2.2 The applicant has stated that the opening times of the premises are 0000hrs to 2400hrs Monday to Sunday.

Representations received

- 2.3 Two representations have been received, one from John Healey MP and the second from Brampton Bierlow Parish Council.

2.4 The representation from the John Healey MP cites the following concerns:

- Noise nuisance.
- Proximity of residential properties.
- The carpark being used as a meeting place for young drivers in vehicles.

2.5 Full details of this representation can be found in Appendix 3.

2.6 The representation from Brampton Bierlow Parish Council cites the following concerns:

- Noise nuisance.
- Proximity of residential properties and the impact upon residents.
- The carpark being used as a meeting place for young drivers in vehicles.

2.7 Full details of this representation can be found in Appendix 4.

2.8 Those that have made representations have been invited to the hearing today and if attending will be given the opportunity to address the Sub-Committee in relation to the matters of concern.

2.9 Members of the Sub-Committee should give full consideration of the issues raised by an interested party when determining the application.

3. Options available to the Licensing Sub-Committee

3.1 A licensing authority must carry out its functions under the Licensing Act with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

3.2 In considering this matter, the Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's

licensing policy statement. In relation to this application, the options available to the Committee are:

- To grant the variation of the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate; or
- To reject the whole or part of the application for variation (which may include the omission of certain licensable activities from the licence).

- 3.3 The statutory guidance makes it clear that Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 3.4 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 3.5 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. The licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business (if appropriate).
- 3.6 The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. Conditions may be placed on the licence – further information in relation to conditions is provided later in this report.
- 3.7 All licensing determinations should be considered on the individual merits of the application. The authority's determination should be evidence-based, justified

as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.

- 3.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

Conditions

- 3.9 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 3.10 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

- 3.11 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 3.12 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

- 3.13 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 3.14 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

- 3.15 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises.
- 3.16 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 3.17 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the

licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

4. Consultation

- 4.1 The application has been subject to the statutory consultation process involving a newspaper advertisement and display of public notices in the vicinity of the site for 28 days.
- 4.2 The public consultation period ran until 20th November 2020, all representations received by this date have been included in this report.
- 4.3 All Responsible Authorities, relevant ward members, and the Town / Parish Council have been notified of the application and all statutory requirements in relation to notification requirements have been complied with.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Any decision made by the Licensing Sub-Committee does not have effect until:
 - the end of the period given for appealing against the decision; or
 - if the decision is appealed, until the appeal is disposed of.
- 5.2 An appeal may be lodged by either the applicant or a party to the hearing that has made a relevant representation.
- 5.3 Parties to the hearing must be informed of the decision within 5 working days of the hearing (or within 5 working days from the last day of the hearing if it takes place over multiple days).

6. Financial Implications

- 6.1 There are no specific financial implications arising from this application.
- 6.2 However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all of the costs incurred. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

7. Legal Advice and Implications

- 7.1 A Council Solicitor will be in attendance at the hearing to provide appropriate legal advice to the Licensing Sub-Committee in relation to specific aspects of the application / hearing, however the advice below is generally applicable to all applications.
- 7.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 7.3 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 7.4 The Panel may accept hearsay evidence and it will be a matter for the Licensing Sub-Committee to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.
- 7.5 The Secretary of State's guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 7.6 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The guidance is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 7.7 In addition to the above, members are reminded that all decisions must be taken in accordance with the Council's Statement of Licensing Policy (adopted 3rd June 2020).
- 7.8 Departure from the guidance and / or Statement of Licensing Policy could give rise to an appeal or judicial review, and the reasons given will then be a key

consideration for the courts when considering the lawfulness and merits of any decision taken.

8. Risks and Mitigation

- 8.1 The statutory requirements in relation to the consideration of this application are detailed in this report. It is essential that the Sub-Committee act in accordance with these statutory provisions and take account of statutory guidance.
- 8.2 Failure to do this exposes the Council to significant risk of legal challenge, the consequences of which could result in financial and / or reputational damage to the Council.
- 8.3 Members are therefore urged to fully consider the information in this report when making a decision regarding this application, and to ensure that any decision made is justifiable, proportionate and based on the promotion of one or more of the Licensing Objectives.
- 8.4 Council officers are present at the meeting today and can provide additional advice to members of the Sub-Committee should this be required. In addition, a copy of the statutory guidance and Statement of Licensing Policy is available for members to review should they wish to do so.

9. Accountable Officer(s)

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

Hearing Procedure

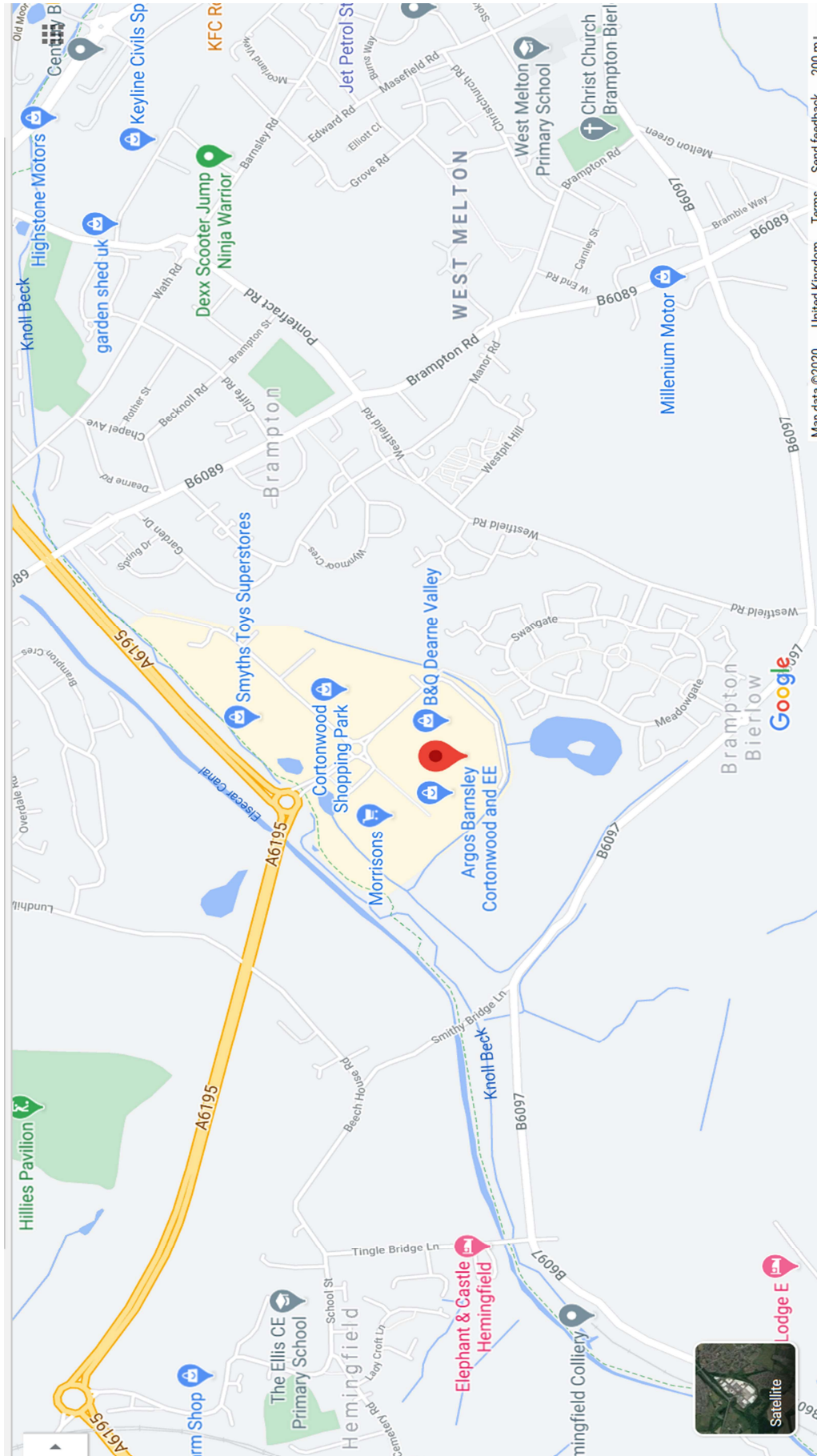
- 1 The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
- 2 The Chair will ask the applicants to formally introduce themselves.
- 3 The Licensing Officer will outline the procedure to be followed at the hearing.
- 4 Hearing Procedure:-
 - i. The Licensing Officer will introduce the report.
 - ii. Questions concerning the report can be asked both by Members and the applicant.
 - iii. The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
 - iv. Members may ask questions of those parties
 - v. With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
 - vi. The applicant / licensee (or his/her nominated representative) will then be asked to:-
 - a) detail the application;
 - b) provide clarification on the application and respond to the representations made.
 - vii. The applicant / licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
 - viii. The applicant will then be given the opportunity to sum up the application. The Licensing Officer will then detail the options.
 - ix. There will then be a private session for members to take legal advice and consider the application.
- 5 The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.

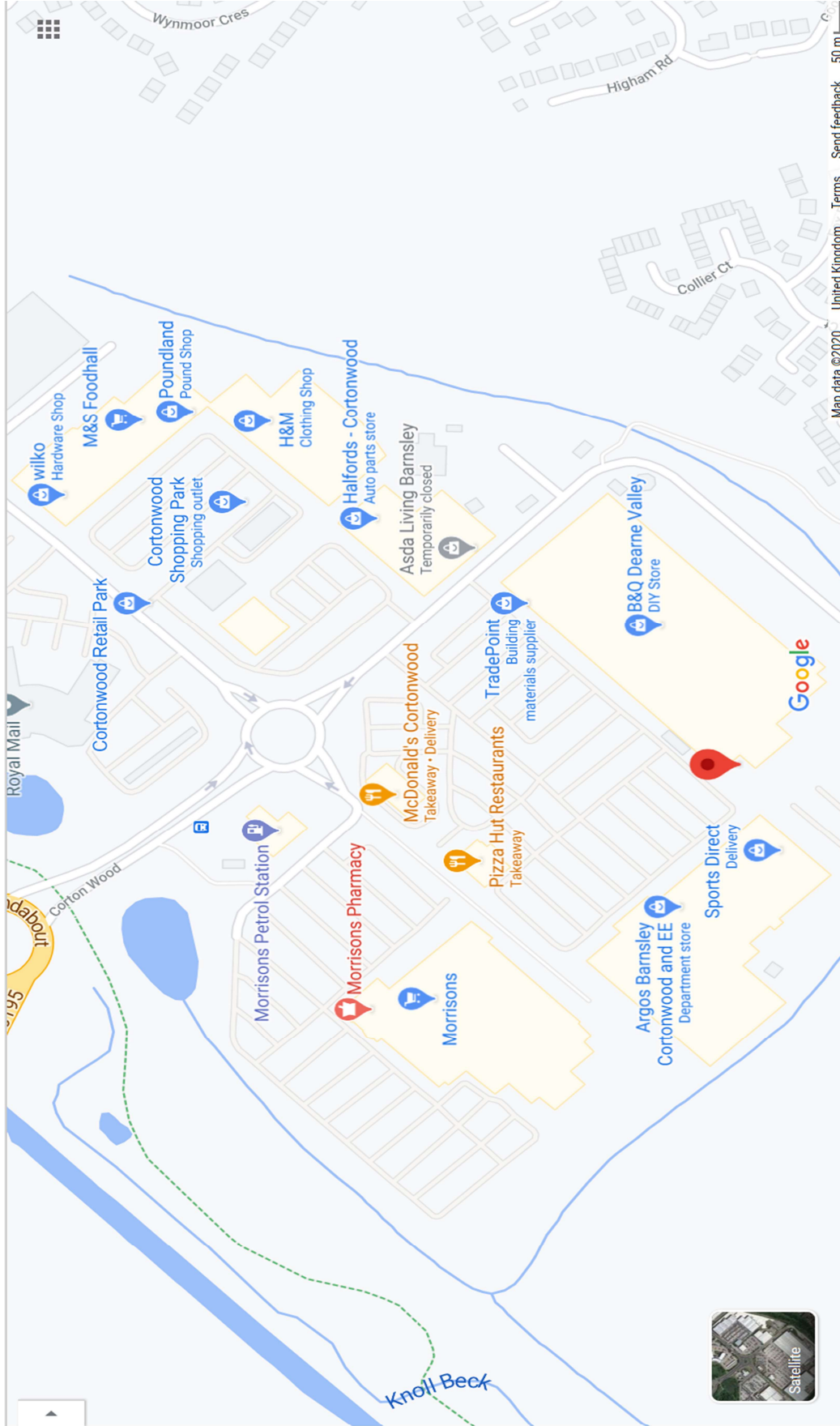
Notes:

- At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
- The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

APPENDIX 1

PREMISES LOCATION





Wynmoor Cres

Higham Rd

Collier Ct

Knoll Beck

Royal Mail

Corton Wood

195

about

Morrisons Petrol Station

Morrisons Pharmacy

Morrisons

McDonald's Cortonwood
Takeaway • Delivery

Pizza Hut Restaurants
Takeaway

TradePoint
Building materials supplier

Asda Living Barnsley
Temporarily closed

Halfords - Cortonwood
Auto parts store

H&M
Clothing Shop

Poundland
Pound Shop

M&S Foodhall

wilko
Hardware Shop

Cortonwood Shopping Park
Shopping outlet

Cortonwood Retail Park

B&Q Dearne Valley
DIY Store

Argos Barnsley
Cortonwood and EE
Department store

Sports Direct
Delivery

Google

Map data ©2020

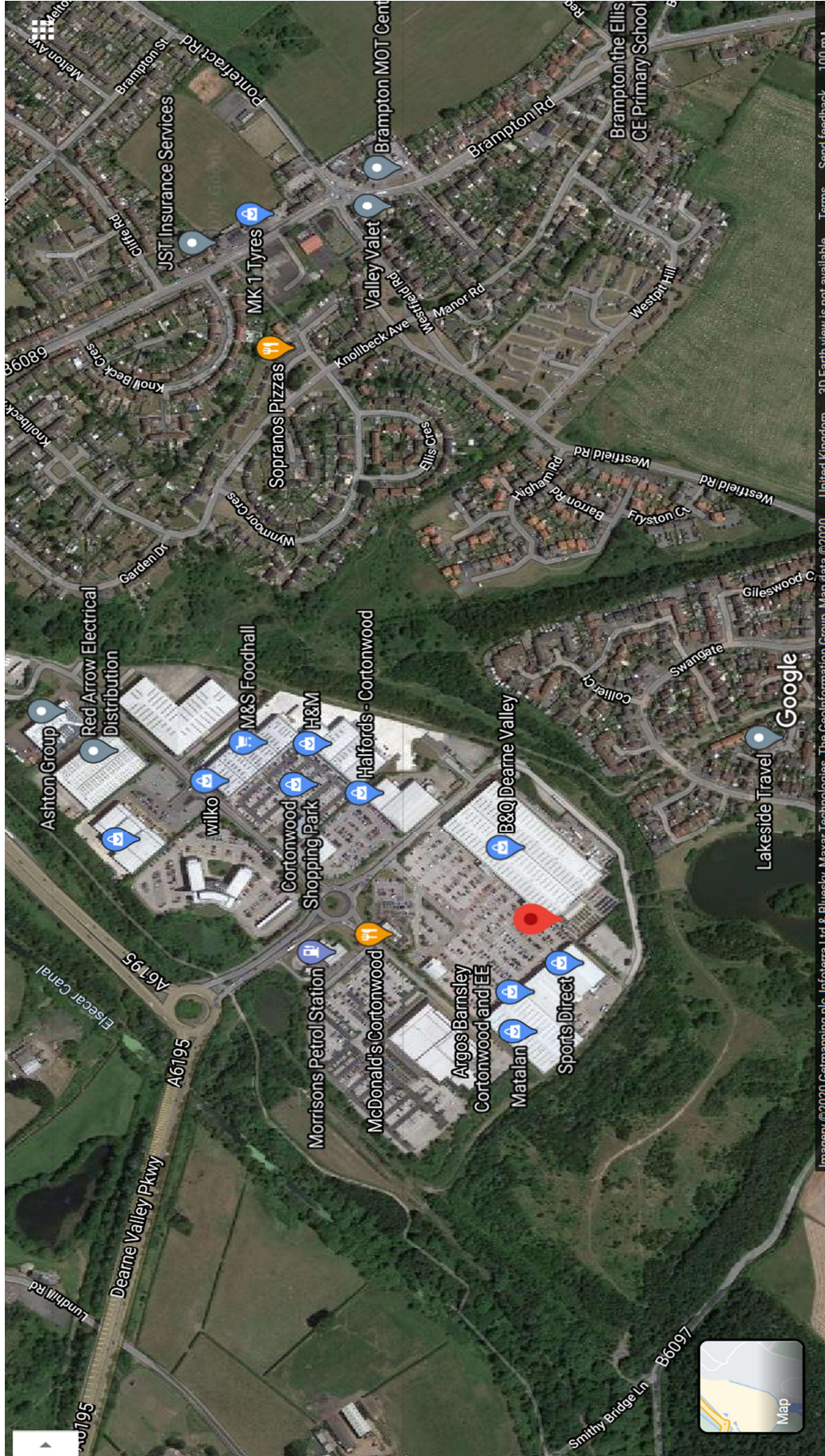
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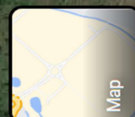
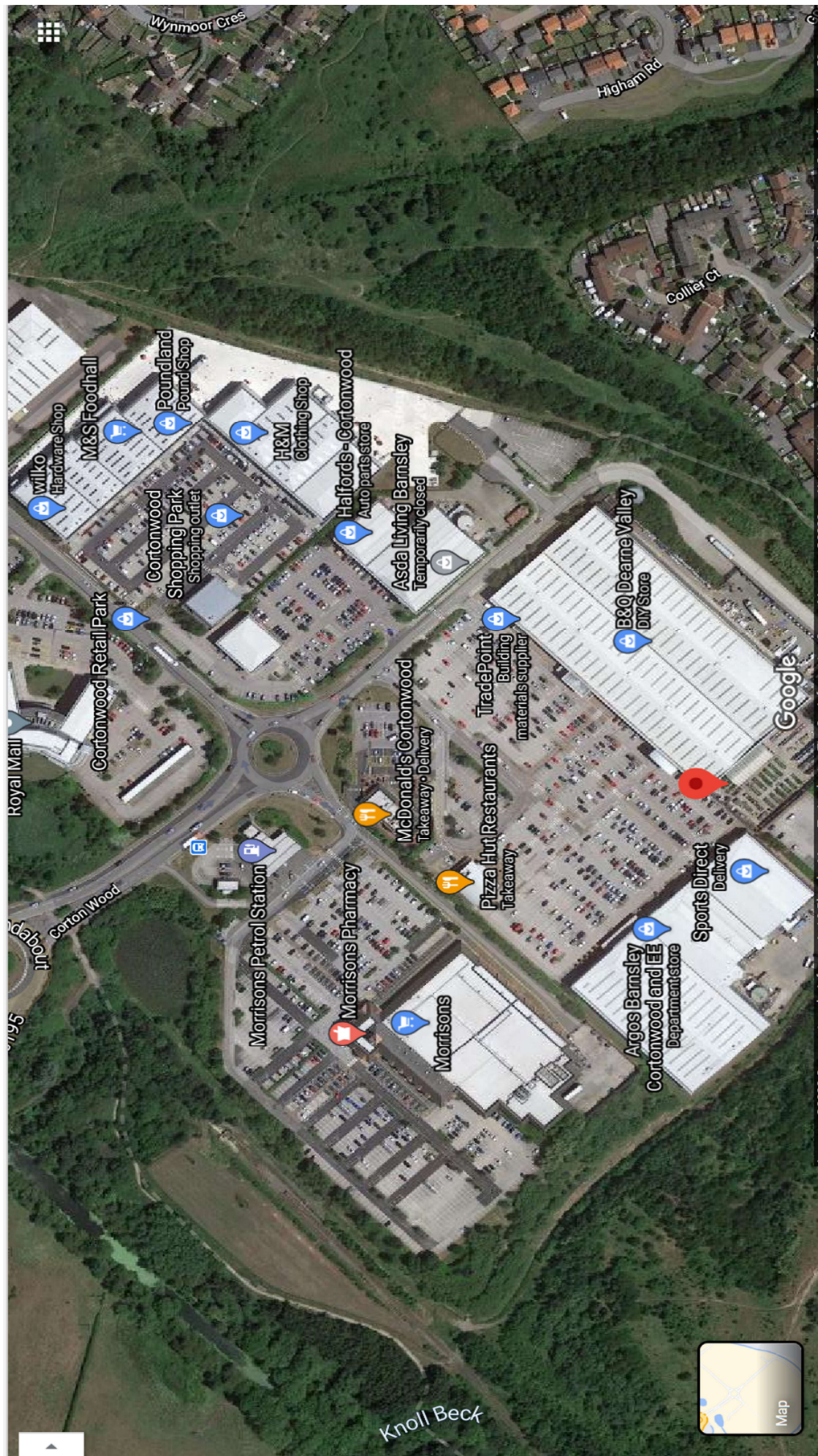
Terms

Send feedback

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APPENDIX 2 APPLICATION FORM

Schedule 6 to the Licensing Act 2003
(Miscellaneous Amendments) Regulations 2017

Application to Vary a Premises Licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

- (1) Delete as applicable.
(2) Insert name(s) of applicant.

(1) ~~H~~ (2) **[We]**

WM MORRISON SUPERMARKETS PLC

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number P0727

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
MORRISONS CORTON WOOD			
Post town	BRAMPTON, BARNSELEY	Postcode	S73 0TB
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 1,780.000.00	

Part 2 - Applicant Details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? ☒ Yes ☐ No

If not, from what date do you want the variation to take effect? DD MM YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please read guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

1. TO VARY THE HOURS FOR THE SALE BY RETAIL OF ALCOHOL AND OPENING TO 0000 TO 2400 HOURS MONDAY TO SUNDAY INCLUSIVE.
2. TO PERMIT LATE NIGHT REFRESHMENT FROM 2300 TO 0500 HOURS MONDAY TO SUNDAY INCLUSIVE.
3. TO ADD CONDITIONS.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (please see guidance note 3)

Please tick all that apply

(a) plays (if ticking yes, fill in box A)

☐

(b) films (if ticking yes, fill in box B)

☐

(c) indoor sporting events (if ticking yes, fill in box C)

☐

(d) boxing or wrestling entertainment (if ticking yes, fill in box D)

☐

(e) live music (if ticking yes, fill in box E)

☐

(f) recorded music (if ticking yes, fill in box F)

☐

(g) performances of dance (if ticking yes, fill in box G)

☐

(h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

☐

Provision of late night refreshment (if ticking yes, fill in box I)

☒

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both - please tick</u> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)			
Mon						
Tue						
			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)			
Wed						
Thur						
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)			
Fri						
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both - please tick</u> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)			
Mon						
Tue						
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)			
Wed						
Thur						
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)			
Fri						
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 4)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)	
Mon				
Tue				
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)	
Thur				
Fri				
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)	
Sun				

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both - please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both - please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both - please tick</u> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)			
Mon						
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)			
Wed						
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing			
			<u>Will this entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)			
Mon						
Tue			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)			
Wed						
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)			
Sat						
Sun						

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)			
Mon	2300	0500				
Tue	2300	0500				
Wed	2300	0500	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)			
Thur	2300	0500				
Fri	2300	0500	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 7)			
Sat	2300	0500				
Sun	2300	0500				

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption - please tick (please read guidance note 9)		On the premises	<input type="checkbox"/>
					Off the premises	<input checked="" type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)			
Mon	0000	2400				
Tue	0000	2400				
Wed	0000	2400				
Thur	0000	2400	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)			
Fri	0000	2400				
Sat	0000	2400				
Sun	0000	2400				

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	0000	2400	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)</p>
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

☒☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence, or part of it, below

Reasons why I have not enclosed the premises licence or relevant part of premises licence

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

(a) General - all four licensing objectives (b, c, d and e) (please read guidance note 11)

All staff engaged in the sale of alcohol will be trained in accordance with the premises licence holder's training procedures.

(b) The prevention of crime and disorder

All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in relation to the proof of age "Challenge 25" scheme to be applied on the premises. The following forms of identification are acceptable: photo driving licence, passport, proof of age standards scheme (PASS) card, Military ID and any other locally or nationally approved form of identification.
CCTV shall be provided on the premises and shall be kept in good working order.
All checkout operators will operate a refusal log

(c) Public safety

The premises licence holder undertakes ongoing risk assessments in order to comply with Health & Safety Legislation.

(d) The prevention of public nuisance

The premises are responsibly managed and supervised. No additional measures are believed necessary.

(e) The protection of children from harm

All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in relation to the proof of age "Challenge 25" scheme to be applied on the premises. The following forms of identification are acceptable: photo driving licence, passport, proof of age standards scheme (PASS) card, Military ID and any other locally or nationally approved form of identification.

Till prompts are in use at the store

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 - Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	29TH SEPTEMBER 2020
Capacity	SOLICITORS ON BEHALF OF THE APPLICANT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Gosschalks Solicitors Queens Gardens Hull DX 11902 Hull			
Post town	HULL	Postcode	HU1 3DZ
Telephone number (if any)	01482 324252		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) mandy_mighty@gosschalks.co.uk			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports- defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts- are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

APPENDIX 3

INTERESTED PARTY

REPRESENTATION

From: HEALEY, John <john.healey.mp@parliament.uk>
Sent: 12 November 2020 14:35
To: Lisa Underwood-Parkin <lisa.underwood-parkin@rotherham.gov.uk>
Subject: RE: FW: MORRISONS, BRAMPTON, BARNSELEY GTE:00094000011916

Dear Lisa

I have received this information from Brampton Bierlow parish council, following your advice. I am grateful for the opportunity to add my comments.

I have taken an interest in Cortonwood retail park for a number of years, dealing with many complaints from residents over noise nuisance from cars meeting in the car parks. Most recently, in July, I held a virtual public meeting to discuss the problem after receiving complaints again post lockdown.

I have worked with all parties including the parish council and councillors to try to tackle the problem by making the area less attractive to drivers, including ensuring all car park gates are closed and locked consistently after store closing hours.

It was after contact from councillors and me in 2017 that Morrisons added speed bumps, CCTV and barriers to their car park to address anti-social behaviour.

I am concerned that the licensing change would exacerbate the problem of cars gathering at Cortonwood, both because of the attraction of late night refreshment/alcohol sales and because this would mean Morrisons' car park barriers no longer being closed.

Police are already having to give this area regular attention and this may put even more pressure on their stretched resources, if problems arise.

I would want to ensure that local residents who have suffered so much with boy racers and late night noise on the retail park have a clear system for reporting problems to Morrisons, who should accept some responsibility for responding. And I am concerned that, if there are problems, it may not be possible to reduce hours back after 24/7 opening is granted.

I would propose that (1) RMBC should ask Morrisons how they would deal with problems as they arose, and (2) if you feel there are no grounds to refuse then consider permission for a time-limited period with a review including public views before renewal. It is important to be aware that the nuisance behaviour tends to increase in the summer months, and decrease in winter.

With good wishes
John

Rt Hon John Healey MP

Member of Parliament for Wentworth & Dearne | Shadow Secretary of State for Defence
79 High Street | Wath-upon-Deane | Rotherham S63 7QB | 01709 875943
johnhealeymp.co.uk | facebook.com/johnhealeyrotherham | twitter @JohnHealey_MP | instagram @johnhealeymp
[Click here to sign up to John's monthly e-newsletter](#)

APPENDIX 4

INTERESTED PARTY REPRESENTATION

From: Brampton Bierlow <bramptonbierlowpc@btinternet.com>

Sent: 05 November 2020 07:55

To: Cllr Brian Steele <Brian.Steele@rotherham.gov.uk>; Cllr David Roche <David.Roche@rotherham.gov.uk>; Cllr Denise Lelliott <Denise.Lelliott@rotherham.gov.uk>; Licensing <Licensing@rotherham.gov.uk>

Subject: RE: MORRISONS, BRAMPTON, BARNSELY GTE:00094000011916

Importance: High

Hi Lisa

The parish council considered this application at its meeting on Tuesday.

The parish council supports and would like to reiterate Councillor Roche's comments with regard to vehicle nuisance experienced in the area and the need to ensure any licence extension would not lead to the problem being compounded.

Also in this regard, John Healey, MP, had some significant input into measures now in place to help alleviate the vehicle nuisance issue and so the parish council asks for John Healey, MP, to also be consulted on this particular licence application, so that he is aware of it and in case he has any views on it.

Regards

Colin Earl

Parish Clerk

07794 982 513

www.bramptonbierlow-pc.gov.uk

----- Original Message -----

From: "Cllr David Roche" <David.Roche@rotherham.gov.uk>

To: "Licensing" <Licensing@rotherham.gov.uk>; "Cllr Denise Lelliott" <Denise.Lelliott@rotherham.gov.uk>; "Cllr Brian Steele" <Brian.Steele@rotherham.gov.uk>

Cc: "bramptonbierlowpc@btinternet.com" <bramptonbierlowpc@btinternet.com>

Sent: Tuesday, 27 Oct, 20 At 15:04

Subject: RE: MORRISONS, BRAMPTON, BARNSELY GTE:00094000011916

In terms of alcohol from the information given I can see no legal or covid19 objection although as we do have a _____ problem with boy "racers" in that area it could lead to some people simply walking over to their cars and drinking too much in a public space... The Morrisons Car park was partly used for the late night car meet-ups until they agreed to close their gates so that problem could arise again, if so how will Morrisons "police"

Interestingly, the nearby Tesco's, well 2 miles away used to be 24/7 but changed to 10 pm closing due to covid-19...

I appreciate nothing in regs to say they have to

Refreshments, unless I've misunderstood it says sale of refreshments indoors and out which seems to imply the café area will be open, therefore it will be subject to covid-19 tier 3 regulations and restrictions, e.g. the meals must be substantial and restaurants/cafes must close at 10 pm !

Finally I may be wrong but aren't their rules about the number of hours open on a Sunday, yet information seems to say 24/7

David Roche